

Note For Hearing
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12-CV-05039-NTC

United States District Court
Western District of Washington

DEC 10 2012

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTYUNITED STATES OF AMERICA
VS

No. 12-cr-5039

MANDATORY JUDICIAL
NOTICE FOR DECLARATORY

KENNETH WAYNE LEAMING, et al

Determination
ER 201

VERIFIED NOTICE

Received
SEATTLE
DEC 11 2012

King County

The People of the State of Washington

DECLARATION

COMES NOW Kenneth Wayne, born free to the family Leaming on 20 December, 1955, a constituent to The People of the State of Washington, constituted AD 1878 and admitted to the union on 22 February, 1889, as intervenor in the above captioned action as a party whose liberties and rights are being restrained under color of law through operation of the above captioned action, and thus having standing to intervene, to wit:

1) Intervenor hereby provides the court Mandatory Judicial Notice, pursuant to Evidence Rule 201 of the FACT that Intervenor relied in good faith on the Constitution, Acts of Congress, and Regulations, as well as legal definitions published in Law Dictionaries, and Maxims of Law referenced herein as the basis for conduct referenced in the record of the above captioned Action;

2) Intervenor relied on the Tort Claims Act that provides that tort claims presented, relating to

acts/omissions by federal officials, such tort claims process stating a specific Amount of Damages, may be presented to the Attorney General or as provided by regulation, May Intervenor rely in good faith on the Act of Congress, OR did Congress commit FRAUD in enacting/publishing the Tort Claims Act?

3) Intervenor relied on the regulations published by the Attorney General as 28 CFR 14 and 15 to present the tort claims to the offending officials who, pursuant to 28 CFR 15.2 is required to forward the claim(s) process to his/her superior or to an official designated by the Attorney General as the proper procedure for tort claims, did the Attorney General commit Fraud in creating and publishing the rules for tort claims?

4) Intervenor relied on the Act of Congress, the Administrative Procedures Act in determining ~~that~~ and implementing regulations, that when an official receives a claim that if the act/omission alleged is within the scope of official duty, the agency, by its designated officer, will issue a certification that such act/omission is within the officers official duty, did Congress commit FRAUD in enacting and publishing the Administrative Procedures Act?

5) Intervenor relied on the Administrative Procedures Act setting forth that a court reviewing an administrative record is required to rely exclusively on the contents of the administrative record as the FACTS of the

matter being reviewed, did the Court in USDC-WV # 11-mj-5242 err, OR did Congress Commit FRAUD in enacting the Administrative Procedures Act?

6) Intervenor relied in good faith on the opinion(s) of the Supreme Court, and appellate Court(s) in, and referenced in, *Smith vs United States Air Force*, 439 US 819; *Getty Oil Co. vs Andrus*, 607 F2d 253 affirming that a court having an administrative record presented must accept the record as the ultimate facts of the matter, and UNCONTROVERTED FACTS evidenced as TRUE, Did the Supreme Court and appellate Court Commit FRAUD in affirming the act of Congress providing that the administrative record established the facts of the matter?

7) Intervenor relied on the Supreme Courts opinions in *Hagans vs Levine*, 415 US 533; *Thomas vs Ohio State University Trustees*, 195 US 207; *Capitol City Dairy Co. vs Ohio, ex rel, Attorney General*, 183 US 238; *Bors vs Preston*, 111 US 252 that if the elements of jurisdiction do not appear in the record, the Court does not have jurisdiction, Did the Supreme Court Commit FRAUD in its decisions?

8) Intervenor relies on the opinions of the Supreme Court in *Wilke vs Robbins*, 551 US 537; *Hope vs Pelzer*, 536 US 730; *Boumediene vs Bush*, 171 LEd 41, etc, that the exercise of a protected right cannot be converted into a crime, DID The Supreme Court Commit Fraud when it

issued and published those opinions?

9) Intervenor relies on the opinion of the Supreme Court in *Ryder vs United States*, 132 Ed2d 136, that an official who acts without proof of authority invokes the de facto officer doctrine, Did the Supreme Court Commit FRAUD in its published opinion?

10) Intervenor relies on the Federal Practice and Procedure Manual § 3522 to determine that the 12w is clearly established that there is a presumption against federal jurisdiction, is the FEDERAL PRACTICE AND PROCEDURE manual a FRAUD?

11) Intervenor relies on the Supreme Court's opinions in, and referenced in *Kullonen vs Guardian Life Insurance of America*, 128 LED2d 391 that it is PRESUMED that a federal court does NOT have jurisdiction, Did the Supreme Court Commit FRAUD in issuing and publishing its decision?

12) Intervenor relies on the opinions of the Supreme Court in *Rames vs Boyd*, 521 US 811; *N.O.W. vs Schiedler*, 510 US 249; *Los Angeles vs Lyons*, 461 US 95; and *Worth vs Selden*, etc, to expect the standing of the plaintiff to be proved or appear in the record or the absence evidences a lack of jurisdiction, Did the Supreme Court commit FRAUD in issuing and publishing those opinions?

13) Intervenor relies on the English Grammar primers approved by the Department of Education for the teaching of English Language Grammar, and further relies on the United States Printing Office

Style Manual in determining that the ALL UPPER CASE NAME used in the pleadings/process of the above captioned action is not Intervenor's name and does not identify intervenor as they establish that an all upper case name is NOT the name of a living man, but only of a Vessel, Corporation or other artificial entity, or a decedent. Did the Department of Education and the United States Government Printing Office commit FRAUD in Publishing and/or approving those reference materials?

14) Intervenor relies on the definition of BILL OF ATTAINDER, Attainder, and Attaint, as published in Blacks Law Dictionary as a legislative act that deprives a party of protected rights and declares such party an outlaw, and tarnishes their reputation, i.e. acts depriving a party of the protected rights to vote and bear arms when not under punishment for a crime, IS BLACKS LAW DICTIONARY and The Constitutional Prohibition against Bills of Attainder a FRAUD?

15) Intervenor relies on The Supreme Court's opinion in United States vs Will, 66 LE2d 392, that when a judge act without jurisdiction (see pp 7, 9, 10, 11) is engaged in an act of TREASON, Did The Supreme Court commit FRAUD in issuing and publishing its Decision?

16) Intervenor relies on the Foreign Sovereign Immunities Act as enacted by Congress, and evidenced in 28 USC 1603, et seq., that Intervenor, as a foreign party to the district of Columbia

and immune from its, or its corporations, municipal or otherwise, judicial process, ~~and~~ with limited exceptions that must be expressly pled, DID Congress commit FRAUD in enacting the Foreign Sovereign Immunities Act?

17) Intervenor relies in the re-affirmation of the 9th Circuit Court of Appeals in *Leary vs Maricopa County*, 649 F3d 1118 that there is no immunity for an official who engages in retaliation for the exercise of a right, Did the 9th Circuit (en banc) commit FRAUD in issuing and publishing its decision?

18) Intervenor relies on the opinions of the Supreme Court that Question(s) of jurisdiction can be raised at any stage of a proceeding, that it is the DUTY of the Court to resolve every element of jurisdiction, and if appearance of jurisdiction is lacking and is not cured, the court must dismiss the action, see *Page vs Wright*, 85 LEd 1142; *Florida Lime and Avocado Growers, Inc., vs Jacobs* 4 LEd2d 568; and *Louisville R.R. vs Motley*, 89 LEd2d 501, Did the Supreme Court commit FRAUD in issuing and publishing those decisions?

WHEREFORE, unless the court declares that Congress committed Fraud in its Act(s) evidenced at 28 USC 2201, the court has a duty pursuant to ~~the~~ law to enter its Declaratory Judgement as to the above Questions.

Given This 5th day of December, 2012,
Under penalty of bearing false witness
Pursuant to the law of God, 